

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 22-CR-1910-JB
)	
BRIAN LEVI,)	
)	
Defendant.)	

**UNITED STATES' UNOPPOSED MOTION
TO DISMISS INDICTMENT WITHOUT PREJUDICE**

The United States moves this Court, pursuant to Federal Rule of Criminal Procedure 48, to dismiss without prejudice the Indictment in this cause filed on November 23, 2022. As grounds for this request, the United States submits that recent developments in this matter, including the unavailability of the co-defendant for this trial, have undermined the United States' ability to meet its burden of proof as to the single count of carjacking as to Brian Levi.

WHEREFORE, the United States requests that the Court enter an order dismissing the single count of carjacking as to Brian Levi in the Indictment in this cause, and ordering Defendant Brian Levi to be released from federal custody. The filing of this motion in CM/ECF caused a copy to be served electronically on Noah Gelb, counsel for the defendant, who does not oppose.

Respectfully submitted,

ALEXANDER M.M. UBALLEZ
United States Attorney

Filed electronically 2/5/2024
MARK A. PROBASCO
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, New Mexico 87103